

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2291 - SB 2272**

March 5, 2018

**SUMMARY OF BILL:** Authorizes the attorney for the county or municipality to represent the county election commission in certain legal proceedings, and the county election commission to retain legal representation under certain circumstances.

Prohibits the county election commission from settling certain claims without first obtaining approval from the county legislative body. Requires county election commissions and commission employees to have legal representation to the same extent as provided to the county legislative body and county employees.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Under current law, pursuant to Tenn. Code Ann. § 2-12-101(c), counties and municipalities are responsible for furnishing legal representation to county election commissions during legal proceedings.
- According to information provided by the Division of Elections, county election commissions currently select their own legal representation for all legal proceedings, for which the municipality or county ultimately pay.
- The proposed language would authorize the county or municipal attorney, or the attorney which represents the county or municipal legislative body, to represent the county election commission during legal proceedings which do not involve contested elections. The county election commission is authorized to select the legal representation for legal proceedings involving contested elections.
- In the event the municipality or county have not retained legal representation for the county election commission within ten days of service of process, the county election commission may retain representation which must be paid for by the municipality or the county.
- A majority of counties and municipalities do not employ an attorney on a full-time basis; however it is anticipated that, for counties and municipalities which do employ an attorney, additional compensation will be provided to such attorney for additional responsibilities associated with such representation; therefore any decrease in local government expenditures associated with utilizing such legal counsel is estimated to be not significant.

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- Requiring the county election commission to receive the approval of the county legislative body prior to settling any claim by a third party will not result in any significant fiscal impact to local government.
- The proposed language would require the county election commission and commission employees to have legal representation to the same extent as the county commission and county employees.
- Requiring the same legal representation provided to county commissions and county employees be provided to county election commissions and commission employees will not result in any significant fiscal impact to local government.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jrh